

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

18-CR-786 (CM)

**ORDER**

ERIC CHERRY,

Defendant.  
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McMahon, C.J.:

Eric Cherry was to be sentenced by the Court June 28, 2020, *via* videoconference. That videoconference was cancelled however because—according to MDC staff—Cherry had been transferred from the MDC to a hospital (location was not provided). The Government and counsel for defendant have been making inquiries with the BOP to determine Mr. Cherry's exact whereabouts and to facilitate a call with counsel. To date, those efforts have been unsuccessful.<sup>1</sup>

Notwithstanding the difficult circumstances we find ourselves in the era of COVID-19, the BOP has to be more responsive to inquiries made by the Court and counsel, and provide counsel with timely access to their clients—even if that means remote access.

Accordingly, the BOP and the Marshal Service (to the extent Mr. Cherry is in Marshal custody) are directed to (1) facilitate a call between Mr. Cherry and his attorney Glenn Garber within 24 hours; (2) provide Mr. Garber with information about Mr. Cherry's medical condition within 24 hours, so that counsel can relay that information to Mr. Cherry's family who have

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<sup>1</sup> Counsel says that Mr. Cherry's daughter went to Brooklyn Hospital and learned that he was admitted there but she was not allowed to visit him nor provided with information regarding his condition.

been in the dark about his condition, and understandably very concerned; and (3) coordinate a visit with counsel within 72 hours.

So Ordered:

July 6, 2020

A handwritten signature in black ink, appearing to read "Colleen McMahon", with a long horizontal flourish extending to the right.

Colleen McMahon  
Chief Judge

cc: AUSAs Peter Davis and Juliana Murray (by ECF and email)

Nicole McFarland, BOP (nicole.mcfarland@bop.gov; nicole.mcfarland@usdoj.gov)

Adam Johnson, BOP (a10johnson@bop.gov)

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S. Coleman, Director of Security at Brooklyn Hospital (scoleman@tbh.org)

USM Ralph Sozio